

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATACHIANNA JAMES,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE, et
al.,

Defendants.

Case No. 2:24-cv-00880-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT UNITED STATES POSTAL
SERVICES'S MOTION TO DISMISS AND
REMANDING THIS CASE AS TO THE
REMAINING DEFENDANTS TO STATE
COURT

(Doc. Nos. 5, 18)

Plaintiff LaTachianna James commenced this case in the Solano County Superior Court, alleging tort claims against defendants United States Postal Service ("USPS"), Hall Equities Group, and Mark Hall in connection with damage to her vehicle. In this regard, plaintiff alleged that on January 20, 2024, her car was damaged when she hit a pothole while driving in Suisun City on a road between the Post Office and a shopping center owned or managed by defendants Hall Equities Group and Mark Hall. Defendant USPS removed the case to this federal court and then moved to dismiss the complaint for lack of jurisdiction. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 27, 2024, the magistrate judge issued findings and recommendations recommending that this action be dismissed for lack of jurisdiction due to plaintiff's failure to exhaust administrative remedies prior to filing suit as is required. (Doc. No. 18 at 3–4.) It was

1 also recommended that if that recommendation was adopted, the case as to the remaining
2 defendants be remanded back to state court. (*Id.* at 5.)

3 The pending findings and recommendations were served on the parties and contained
4 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*)
5 To date, no objections to the findings and recommendations have been filed, and the time in
6 which to do so has now passed.

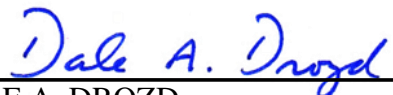
7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued November 27, 2024 (Doc. No. 18), are
12 adopted;
- 13 2. Defendant USPS's motion to dismiss (Doc. No. 5), is granted;
- 14 3. This action is dismissed as to defendant USPS for lack of jurisdiction without leave to
15 amend due to plaintiff's failure to exhaust administrative remedies prior to filing suit as is
16 required; and
- 17 4. This case is remanded to the Solano County Superior Court as to plaintiff's claims
18 brought against defendants Hall Equities Group and Mark Hall.

19 IT IS SO ORDERED.

20 Dated: January 29, 2025

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22 DALE A. DROZD
23 UNITED STATES DISTRICT JUDGE
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